

THE HONORABLE BARBARA J. ROTHSTEIN

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SIERRA CLUB; and CENTER FOR  
ENVIRONMENTAL LAW AND POLICY,

Plaintiffs,

and

THE SPOKANE TRIBE OF INDIANS,

Plaintiff-Intervenor,

v.

DENNIS McLERRAN; GINA MCCARTHY and  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendants,

and

SPOKANE COUNTY; KAISER ALUMINUM  
OF WASHINGTON LLC; and STATE OF  
WASHINGTON DEPARTMENT OF  
ECOLOGY,

Defendant-Intervenors,

and

INLAND EMPIRE PAPER COMPANY,

Applicant Defendant-Intervenor

NO. 2:11-CV-01759-BJR

REPLY IN SUPPORT OF INLAND  
EMPIRE PAPER COMPANY'S MOTION  
TO INTERVENE AS DEFENDANT  
PURSUANT TO FRCP 24(A) AND 24(B))

REPLY IN SUPPORT OF INLAND  
EMPIRE PAPER COMPANY'S MOTION  
TO INTERVENE (NO. 11-1759-BJR) 1

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Applicant Defendant-Intervenor Inland Empire Paper Company (“Inland”), respectfully brings to this Court’s attention the fact that no party to the case opposes the Inland Empire Paper Company Motion to Intervene as Defendant Pursuant to FRCP 24(A) and 24(B). Inland’s motion is noted for August 12, 2016. Plaintiffs Sierra Club and Center for Environmental Law and Policy; plaintiff-intervenor Spokane Tribe of Indians; and defendant-intervenors Spokane County, Kaiser Aluminum and the Washington Department of Ecology did not file response briefs. Defendants Dennis McLerran, Gina McCarthy and U.S. Environmental Protection Agency filed a response brief on August 8, 2016 taking no position on Inland’s motion. Dkt. No. 177.

This law firm brought motions to intervene on behalf of both Inland and, by separate motion, the City of Coeur d’Alene. Should this Court grant both motions to intervene counsel will make every effort to avoid duplicative briefing, and will work with counsel for the existing defendant-intervenors to do the same. In addition, Inland will not seek to modify or delay the briefing schedule currently set for EPA’s forthcoming motion to dismiss for lack of jurisdiction. Dkt. No. 167.

Dated this 11<sup>th</sup> day of August, 2016.

/s/James A. Tupper

JAMES A. TUPPER (WSB #16873)

/s/Lynne M. Cohee

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**CERTIFICATE OF SERVICE**

We hereby certify that on August 11th, 2016, we electronically filed the foregoing document with the Clerk of the Court for the United States District Court of Western District of Washington at Seattle by using the CM/ECF system. Participants in this case No. 2:11-cv-01759-BJR who are registered CM/ECF users will be served by the CM/ECF system.

/s/James A. Tupper

/s/Lynne M. Cohee

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